

### **REMARKS**

In the Final Office Action dated December 1, 2008, claims 1-9 and 11-51 were pending. Claims 1-8, 12, and 14-43 were withdrawn in response to the restriction requirement dated March 17, 2008. Claims 9, 11-13, 21-24 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Giesy et al., U.S. Patent 5,152,749 ("Giesy"), in view of Li, U.S. Patent 5,250,054 ("Li"), and Ferguson, U.S. Patent 3,877,434 ("Ferguson").

#### **Summary of Telephonic Interview**

The undersigned called and left a telephone message for Examiner Ryckman on May 20, 2009 to clarify the period for reply. In the Office Action Summary, the Examiner noted that a shortened statutory period for reply is set to expire 1 month from the mailing date of the Action. However, on page 5 of the Action, the Examiner stated that the shortened statutory period for reply is set to expire THREE MONTHS from the mailing date of the Action.

Examiner Ryckman left a telephonic message for the undersigned on May 21, 2009 and confirmed that the shortened statutory period for reply to this Action is THREE MONTHS from the mailing date of the Action. Applicants have therefore enclosed a petition for a three-month extension of time with this reply.

#### **Claim rejections**

Claims 44-51 were indicated as rejected in the Office Action Summary, but were not addressed by number in the Examiner's remarks. Applicants remind the Examiner that MPEP §707.07(i) requires that each pending claim should be mentioned by number and its treatment or status given. Additionally, the detailed action states the rejection of claims 12, 21-24 and 26 (Final Office Action, page 2). These claims had been withdrawn prior to the Final Office Action in response to the restriction requirement dated March 17, 2008. Applicants assume that these rejections are the result of a typographical error, and are thus not addressed in the following remarks.

Claim 9 has been amended to more particularly define the claimed invention. New claim 52 has been added. All claim amendments are fully supported by the specification as originally filed (see, e.g., Fig. 27 of Applicants' specification). Applicants respectfully traverse the rejections.

Claims 9, 11 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Giesy in view of Li and Ferguson. Applicants respectfully traverse these rejections.

Claim 9 describes a connector pair for attaching a medical implant to a delivery device, the connector pair including a closed loop connector located at an end of a medical implant, and a slotted connector formed in a distal end of a shaft of a delivery device for interfitting with the closed loop connector of the medical implant. The slotted connector includes first and second legs, with the first leg extending radially into the shaft and the second leg extending axially in a distal direction from the first leg along the shaft and being longer than the first leg and including a narrowing for locking the looped connector into the second leg. The first and second legs join at an inside corner having a first shape and an outside corner having a second shape, the outside corner being located proximal to the inside corner along the shaft, wherein the first and second shapes are different.

Giesy describes an instrument placement apparatus in which an "indentation 46 receives the loop 44 of catheter 40 for coupling needle 20 and catheter 40" (Giesy, Fig. 3 and col. 7, lines 20-22). Ferguson describes a vascular tourniquet with a "hook 24" with an "opening 28" which "tapers from the open proximal end thereof to its closed distal end" (Ferguson, Fig. 4 and col. 3, lines 27-28). Li describes an intracorporeal knot-tying apparatus in which an "inner rod's crochet-type hook 32 can engage a suture end 46 in a sort of grappling hook manner when the inner rod's distal portion 22 is extended" (Li, Fig. 4A and col. 8, lines 48-51). As acknowledged by the Examiner, the combination of Giesy and Ferguson "do not have the first and second legs join at an inside corner and an outside corner, the outside corner being located proximal to the inside corner along the shaft" (Final Office Action, page 4). Moreover, none of Giesy, Ferguson and Li, taken alone or in any combination, teach or suggest, among other things, a slotted connector including first and second legs which join at an inside corner having a first shape and an outside corner having a second shape,

wherein the first and second shapes are different, as recited in Applicants' claim 9. Such a feature is clearly illustrated in, for example, Fig. 27 of the originally-filed specification. Since none of Giesy, Ferguson and Li teach or suggest this feature, among other things, claim 9 cannot be considered obvious in light of these references. Applicants respectfully request withdrawal of this rejection.

Claims 11, 13 and 44-51 are patentable for at least the same reasons as base claim 9, and moreso because of additional features recited therein. Therefore, Applicants respectfully request withdrawal of these rejections.

### **CONCLUSION**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response other than as reflected on the enclosed Electronic Fee Transmittal. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. MIY-P03-024 from which the undersigned is authorized to draw.

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Respectfully submitted,

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